

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,)	U.S.C.A. No. 11-50107
)	U.S.D.C. No. 10CR1805-JAH
Plaintiff-Appellee,)	
)	
v.)	UNOPPOSED MOTION FOR
)	EXTENSION OF TIME TO FILE
DANIEL EDWARD CHOVAN,)	<u>PETITION FOR REHEARING</u>
)	
)	
Defendant-Appellant.)	
)	
_____)	

Mr. Chovan, the Defendant-Appellant in this case, by and through his counsel, Devin J. Burstein and Federal Defenders of San Diego, Inc., for the reasons set forth in the attached Declaration of Counsel, hereby moves to extend the due date of his Petition for Rehearing to February 17, 2014. The petition is currently due on January 15, 2013.

Respectfully submitted,

Dated: January 7, 2014

/s/ Devin J. Burstein
DEVIN J. BURSTEIN
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Attorneys for Defendant-Appellant

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I, DEVIN J. BURSTEIN, ATTORNEY FOR APPELLANT, DO HEREBY
CERTIFY AND DECLARE:

1. I am an attorney duly licensed to practice law in the State of California,
and admitted to the United States District Court for the Southern District of
California, and the bar of this Court.

2. I am appointed counsel for Mr. Chovan. I have been the attorney of
record for the duration of this appeal. I wrote the briefs and appeared for
Mr. Chovan at oral argument.

3. Mr. Chovan is not in custody. He is serving his probationary sentence.
I am in contact with Mr. Chovan.

4. On November 18, 2013, this Court decided Mr. Chovan's appeal, affirming his conviction.

5. The petition for rehearing is currently due January 15, 2014.

6. I am requesting this extension for the following reasons:

- I have reviewed the Opinion and believe it raises important constitutional issues of first impression that warrant rehearing en banc.
- As noted, Mr. Chovan is out of custody. I am currently representing multiple defendants before this Court who are in custody awaiting initial resolution of their appeals. This includes pending, opening briefs in case numbers: 13-50388, 13-50430, 13-50502, 13-50481, 13-50517, 13-50553.
- In addition, several attorneys who are also working on related Second-Amendment issues have recently contacted me and I would benefit from time to consult with them before drafting the Petition for Rehearing En Banc.

7. For these reasons, I am requesting additional time to complete Mr. Chovan's petition for rehearing en banc.

8. I have notified counsel for the United States, Assistant United States Attorney Kyle Hoffman, of my request for an extension of time. He does not

oppose the extension.

9. For the reasons stated above, I request that the schedule be extended to allow the petition to be filed by February 17, 2014.

I so declare this 7th day of January 7, 2014, in San Diego, California.

/s/ Devin J. Burstein

DEVIN J. BURSTEIN, Declarant

Certificate of Service When All Case Participants Are CM/ECF Participants

I hereby certify that on January 7, 2014, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Devin Burstein